



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF STATE POLICE

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OFFICE OF THE SUPERINTENDENT
STEVEN G. O'DONNELL
COLONEL
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

July 22, 2015

The Honorable Allan W. Fung
Mayor
City of Cranston
869 Park Avenue
Cranston, RI 02910

Re: Assessment of the Cranston Police Department

Dear Mayor Fung:

On January 8, 2014, I met with you in your office, and you requested that the Rhode Island State Police conduct an independent investigation into the excessive ticketing that had occurred on November 15th and 16th, 2013.

We agreed that the State Police would conduct its own investigation into the incident. You then advised me that you had placed Colonel Marco Palombo on administrative leave, and you were requesting that a member of the Rhode Island State Police be assigned to run the day-to-day operations of the police department. In addition, you asked that the Rhode Island State Police conduct an assessment of your agency, as well as a thorough review of all pending disciplinary issues, grievances, and personnel matters within the Cranston Police Department.

The following day, on January 9, 2014, I agreed to assign Captain Kevin M. Barry to assume command of the Cranston Police Department. That same day, you swore Captain Barry in as the Chief of Police, giving him full authority over the Cranston Police Department.

In order to facilitate your request to manage the department, we mutually agreed that Captain Barry would have full control without interference from you or anyone under your authority. Keep in mind that Captain Barry remained a member of the Rhode Island State Police when he was assigned as the Acting Chief of Police. We agreed to fully investigate and follow through with any concerns that came to the attention of Captain Barry while in his position as Acting Chief of Police.

After Captain Barry assumed command, he recognized that there was a void in leadership at the top of the department, as well as a divide between personnel. We later learned that this was characterized as the "A" and "B" Teams. Based on this information, I thought it prudent to assign Lieutenant Matthew C. Moynihan to assist Captain Barry.

This is a large and very busy police department, and the day-to-day responsibilities would prohibit Captain Barry and Lieutenant Moynihan from completing the written report while they were serving in their assigned capacities. While the assessment began immediately, the written assessment did not begin until the new Chief of Police was sworn in and Captain Barry and Lieutenant Moynihan returned to their duties with the State Police.

The assessment identified numerous managerial issues, both within the police department and the City's administration. Typically, an assessment of a police department would consist of a review of its management, which includes training, budget issues, personnel matters, equipment, fleet, and many of the day-to-day issues of managing a police department. Many of these concerns were addressed and rectified during our ten (10) month tenure at the Cranston Police Department. However, this assessment morphed into a more intensive review into the cultural practices and personnel complaints of members of the organization, who came forward to share their experiences. There was a consistent theme that pointed to a lack of leadership and mistrust within the highest levels of the department. Complaints were also received about political interference and influence from you and your staff, as well as the extraordinary relationship between the IBPO, Local 301 President Stephen Antonucci, the Chief of Police Marco Palombo, Jr., and you.

In order to complete a proper review of the matters that came to our attention, we conducted in-depth investigations into the allegations and reported our conclusions in the final assessment. We interviewed more than fifty (50) people in order to obtain a fair and impartial overview of the issues that were raised. These interviews exposed the root causes of the deep problems within the department. Based on our initial agreement, we fully investigated all of the matters without bias and complied with the initial Memorandum of Understanding between the City of Cranston and the State Police.

Several of the investigations that you requested us to review were investigated and are detailed within the assessment. Some of those investigations had potential for criminal prosecution, while others surrounded around violations of department rules and regulations. The following are the major investigations that were undertaken: Major Patalano's suspension with pay, Retired Major Ryan's alleged misconduct, Retired Captain Dodd's forced medical retirement, Captain Antonucci's excessive ticketing, Captain Guilbeault's gender discrimination allegation, Officer Josefson's demotion, ; hiring of private investigators to conduct surveillance on members, the alleged problems with the promotional system, allegations of illegal audio recordings, and the overall mistreatment of members of the department.

Our findings were reviewed by the Department of Attorney General and the United States Attorney's Office. It was their conclusion that, from the information presented, there was insufficient evidence to support the probable cause standard needed for an arrest and/or indictment. Although the conduct did not rise to the level of a criminal prosecution, in some instances there was sufficient evidence to move forward with internal departmental charges. During the tenure of Captain Barry and Lieutenant Moynihan, two members of the department resigned over allegations of wrongdoing, and one of them, Captain Antonucci may well have

been facing additional internal charges after the assessment was brought forward to the Chief of Police.

When Captain Barry and Lieutenant Moynihan returned to the State Police to begin the written portion of the assessment, the level of cooperation between State Police and the City's administration became strained. For example, Captain Barry and Lieutenant Moynihan learned that an assessment had been completed upon your transition to your first term as Mayor. They requested that you provide us with this assessment in order to properly lay a foundation for a historical perspective on the police department. You refused to turn over this document. To this day, we are not sure why.

In November of 2014, you disclosed to Colonel Winkist and I that sometime in September 2014, you had privately agreed with Captain Antonucci to return him to the police department as a Captain with some minor sanctions. This agreement was done while the State Police was managing the Cranston Police Department. You told both of us that he was returning to the police department irrespective of how we felt. This behavior illustrates one of the core problems which came to light during the assessment, the secretive interference by you and your staff in the operations of the police department. You still have not explained why you made this decision in September, but waited until mid-November to advise us. Although you have not explained it, your rationale is very clear to me.

I am aware that you reversed your decision based on a meeting that took place on December 4, 2014 at City Hall, with several key members regarding the Captain Antonucci matter. At the meeting you presented a plan to have Captain Antonucci return to the department as a Captain, which met with strong opposition. As a result, you asked Attorney Conley if Captain Antonucci would return with a demotion to the rank of Lieutenant, but after consultation Captain Antonucci refused this offer. I detail this to you Mayor, so we have a clear understanding on why this deal never came to fruition at that time.

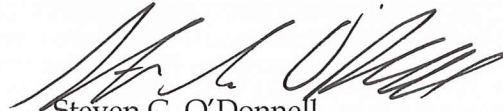
On Monday, November 10, 2014 through Wednesday, November 12, 2014, the Cranston Police Department was assessed by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Their findings stated that there was a lack of top-tier management and political interference within the Cranston Police Department. Their findings are consistent with our assessment of the department.

The written portion of the assessment has been a work in progress since Captain Barry and Lieutenant Moynihan had returned to their respective duties with the State Police. The voluminous information culled from the numerous investigations had to be compiled, synthesized, and included in the written assessment. In addition, numerous interviews had to be conducted and the information received required follow up.

We estimate that at a minimum, \$500,000 in State Police resources were used for your requested assessment and management of the Cranston Police Department. This includes the assignment of Captain Barry and Lieutenant Moynihan to oversee and manage the day-to-day operations of the Cranston Police Department for ten (10) months.

In closing, a copy of this letter will also be provided to City Council President John Lanni. The written assessment is complete at this time and will be hand delivered to you by me at your convenience. Please contact me at (401) 444-1001 to make arrangements to meet.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven G. O'Donnell", written in a cursive style.

Steven G. O'Donnell
Colonel
Superintendent

Cc: President John Lanni
Attorney Paul Andrews
Lieutenant Colonel Kevin M. Barry
Captain Matthew C. Moynihan